



February 23, 2022

Hon. James B. Cox  
President, Tennessee Judicial Conference  
112 Main Avenue South  
P.O. Box 713  
Fayetteville, TN 37334

**Re: Tennessee Pattern Jury Instructions**

Dear Chancellor Cox:

We write as counsel for Public.Resource.Org (“Public Resource”), a 501(c)(3) non-profit corporation based in California. On December 21, 2021, Christopher Bavitz of Harvard Law School’s Cyberlaw Clinic, who also represents Public Resource in this matter, wrote to your office to request that the State of Tennessee remove barriers to public access to the Tennessee Pattern Jury Instructions (the “TPI”), criminal and civil. In your response to that request, dated December 30, 2021, you advised that you would discuss the matter with the Chairmen of the TPI Civil Committee and the TPI Criminal Committee. You also provided the Chief Justice with a courtesy copy. We are writing to request an update.

To reiterate, our client’s position is that the government edicts doctrine applies to the TPI per longstanding common law precedent, which the recent decision in *Georgia v. Public.Resource.Org, Inc.*, 140 S. Ct. 1498 (2020), reaffirms. As such, under the doctrine, which dictates that works created by public officials in the course of their duties are ineligible for copyright protection, the TPI is non-copyrightable.

With that in mind, our client requests that you:

1. abandon and withdraw all copyright claims from the TPI; and
2. support efforts to provide public access to these important edicts of government.

To that end, we would be happy to meet with you and any other invested parties at your convenience to discuss the Committees’ position, the relevant law, and any practicalities involved.

We understand that addressing this issue will require coordination between stakeholders, as well as an evaluation of the Committees' position. However, we hope that, in the interest of the public good and access to information, a resolution can be reached as soon as is practicable.

Thank you for taking the time out of your busy schedule to evaluate and respond to our concern.

Respectfully submitted,

Mary-Preston Austin  
Yitzchok Fishbach  
Miles Malbrough  
*Student Attorneys*

Gautam Hans  
Director, Stanton First Amendment Clinic

cc: Hon. Jeffrey S. Bivins  
Chief Justice, Tennessee Supreme Court

Carl Malamud  
President, Public Resource

David Halperin,  
Of Counsel, Public Resource

Christopher T. Bavitz  
Managing Director, Cyberlaw Clinic